

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **SELECTIVE MODULATORS OF PEROXISOME PROLIFERATOR ACTIVATED RECEPTOR-GAMMA, AND METHODS FOR THE USE THEREOF**, the specification of which

— is attached hereto.

x was filed on April 18, 1996 (Attorney Docket No. SALK1470-2) as PCT Application Serial No. PCT\US96\05465 and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
P419926 08/428,559	4/25/95	Pending
P4190001 08/465,375	6/5/95	Pending
PCT\US96\05465	4/18/96	Completed

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

STEPHEN E. REITER, Registration No. 31,192; GREGORY P. RAYMER, Registration No. 36,647; ~~DAVID F. KLEINSMITH~~, Registration No. 40,050; ~~BARRY N. YOUNG~~, Registration No. 27,774; TIMOTHY W. LOHSE, Registration No. 35,255; STANLEY H. KIM, Registration No. 40,047; RAMSEY R. STEWART, Registration No. 38,322; JUNE LEARN, Registration No. 31,238; ROBROY R. FAWCETT, Registration No. 35,133; DARLENE HAYES, Registration No. 33,899; WILLIAM N. HULSEY III, Registration No. 33,402; STEVEN R. SPRINKLE, Registration No. 40,825; and TERRANCE A. MEADOR, Registration No. 30,298.

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4365 Executive Drive, Suite 1600  
San Diego, California 92121-2189

RECEIVED IS (mirrored)  
SECRET (mirrored)

Full name of first inventor: Ronald Mark Evans

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 1471 Cottontail Lane  
La Jolla, Ca. 92037

CA

Citizenship: U.S.

Post Office Address:

Full name of second inventor: Barry Marc Forman

Inventor's signature: \_\_\_\_\_

Date: 5/27/96

Residence: 1671 S. Diamond Bar Blvd.  
Diamond Bar, Ca. 91765

CA

Citizenship: U.S.

Post Office Address:

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GRAY CARY WARE & FREIDENRICH

4365 Executive Drive, Suite 1600

San Diego, California 92121-2189

Full name of first inventor: Ronald Mark Evans

Inventor's signature: Ronald M Evans

Date: 6/8/98

Residence: 1471 Cottontail Lane  
La Jolla, Ca. 92037

Citizenship: U.S.

Post Office Address:

Full name of second inventor: Barry Marc Forman

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 1671 S. Diamond Bar Blvd.  
Diamond Bar, Ca. 91765

Citizenship: U.S.

Post Office Address:

Attorney Docket No.: SALK 1470-2  
Applicant or Patentee: Evans et al.  
Serial No. or Patent No.: Unassigned  
Filed: Herewith

Title: **SELECTIVE MODULATORS OF PEROXISOME PROLIFERATOR  
ACTIVATED RECEPTOR-GAMMA, AND METHODS FOR THE USE THEREOF**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION **THE SALK INSTITUTE FOR BIOLOGICAL STUDIES**  
ADDRESS OF ORGANIZATION **10010 NORTH TORREY PINES ROAD  
LA JOLLA, CALIFORNIA 92037**

**TYPE OF ORGANIZATION**

- ☐ University or other Institution of Higher Education  
☒ Tax Exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c) (3))  
☐ Nonprofit Scientific or Educational under Statute of State of the United States of America (Name of State \_\_\_\_\_) (Citation of Statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c) (3)) if located in the United States of America  
☐ Would qualify as nonprofit Scientific or Educational under Statute of State of the United States of America if located in the United States of America (Name of State \_\_\_\_\_) (Citation of Statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled **SELECTIVE MODULATORS OF PEROXISOME PROLIFERATOR ACTIVATED RECEPTOR-GAMMA, AND METHODS FOR THE USE THEREOF** by inventor(s) **Ronald M. Evans and Barry M. Forman** described in:

- ☒ the specification filed herewith  
☒ Based on PCT Application Serial No. PCT/US96/05465, filed April 18, 1996.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name \_\_\_\_\_  
Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_  
Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name \_\_\_\_\_  
Address \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING  
TITLE IN ORGANIZATION  
ADDRESS OF PERSON SIGNING  
SIGNATURE

*T.D. Ballard*  
*President*  
10010 North Torrey Pines Road, La Jolla, CA 92037  
*T.D. Ballard* Date: *5/25/98*